

SUPPLEMENTAL PROBATE COURT RULE 401  
FINANCIAL STATEMENTS

- (a) Expert as otherwise ordered by the court, each party to a divorce or separate support action or any other action where financial relief is requested, shall file with the court and shall deliver to the other party within 45 days from the date of the service of the summons, a complete and accurate financial statement showing, insofar as possible, the assets, liabilities and current income and expenses of both parties and children involved in the case. The form of the financial statement which each party must complete is dependent upon his or her income. Except as otherwise ordered by the court, a party whose income equals or exceeds \$75,000.00 must complete the long form financial statement. A party whose income is less than \$75,000.00 must complete the short form financial statement.
- (b) In the event a hearing on a motion for temporary orders, or a pretrial conference is scheduled by with party prior to the expiration of the 45 day period, financial statements by both parties shall be filed with the court and exchanged between the parties no later than two (2) business days prior to the hearing or the conference without the necessity of a request for such statements.
- (c) The form of the financial statement shall be determined from time to time by the probate judges of the Commonwealth. The judges of the probate courts may require from time to time during the pendency of a separate support or divorce action, or in any action involving a financial order, a new financial statement containing current information as to the assets, liabilities, current income and expenses of the parties and any children involved in the litigation.
- (d) The financial statement or new financial statement, as the case may be, shall be impounded or kept separate from other papers in the case and shall not be available for public inspection, but shall be available to the court, the attorneys (whose appearances are entered in the case), the parties to the case, the registers, assistant registers, members of the Probation Department of the probate courts and to the employees of the Massachusetts Department of Revenue, where necessary.
- (e) All financial statements shall be signed by the party filing the same and shall be subject to the penalties of perjury.
- (f) Either party in a contested matter may request the other party, upon ten (10) days notice, in the form of a separate request titled "Request for Financial Statement" to furnish a signed, current financial statement to the court with a copy of the financial statement to the requesting party. No further request may be made within ninety (90) days of a prior request except by order of the court.
- (g) All sanctions available to a party under Rule 37 of the Massachusetts Rules of Domestic Relations Procedure and any other sanction that the court may deem appropriate shall be available to compel compliance with this rule and such sanctions shall be ordered by the court except for good cause shown.